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September 30, 2024

VIA ECF & EMAIL (Failla_NYSDChambers@nysd.uscourts.gov)

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: B.G., et al. v. City of New York, et al.
Case: 1:23-cv-03761 (KPF)
Our File No. 267805-F100

Dear Judge Failla:

In accordance with Your Honor's August 20, 2024 order, counsel for all parties submit this letter update on the status of settlement discussions, whether to extend the partial stay of discovery, and a revised scheduling order.

Since the August 20, 2024 order, the parties have continued to engage in *ex parte* settlement discussions with Magistrate Judge Robyn F. Tarnofsky concerning injunctive relief measures relating to an emergency notification system at P.S. 347. As part of the *ex parte* settlement discussions, Defendants are currently evaluating Plaintiffs' proposals for monetary damages and attorneys' fees in order to formulate a response.

Concerning injunctive relief measures, Defendants have now responded to several of Plaintiffs' specific proposals for emergency notification measures at P.S. 347. Further, counsel for Plaintiff and Defendants visited the school together a week ago to consider potential emergency notification measures.

Judge Tarnofsky has scheduled a virtual settlement conference on October 8, 2024 at 11:00 AM, at which counsel for Plaintiffs and Defendants and the parties themselves are expected to participate and address the settlement discussions. Following this settlement conference, the parties hope to have further clarity about possible injunctive relief measures and the monetary issues.

Considering the ongoing settlement discussions and the October 8, 2024 settlement conference before Judge Tarnofsky, the parties respectfully request additional time to potentially resolve this case. During the continued settlement discussions, the parties respectfully request that the partial stay of discovery be extended. This is the parties' fourth request for an extension of the partial stay of discovery.

Should a partial stay remain in place, the parties also respectfully request that a revised scheduling order be submitted at a later time. Depending on whether the parties can finalize the settlement discussions, the parties can provide a future update to Your Honor on the issue of a revised scheduling order.

In light of the above, we respectfully request an extension until December 6, 2024 to provide a status update and respond as to whether a revised scheduling order is needed. Should the parties come to terms in principle at the October 8, 2024 settlement conference or soon thereafter, the parties anticipate that it could take at least several weeks to draft and finalize the specific settlement language.

Thank you for your consideration and attention in this matter.

Respectfully,

ROBERT T. REILLY

By: /s/ Keith J. Gross
KEITH J. GROSS
JUNOU M. ODIGE
Of Counsel

KJG/ts

c: Hon. Robyn F. Tarnofsky
(via email TarnofskyNYSChambers@nysd.uscourts.gov)

Counsel for Plaintiffs & Defendants (via ECF)

Application GRANTED.

The parties shall file a letter update concerning, as appropriate, the status of settlement discussions, the necessity of extending the partial stay of discovery, and / or a revised scheduling order on or before **December 6, 2024**.

The Clerk of Court is directed to terminate the pending motion at docket entry 56.

Dated: September 30, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE